

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): James F. Zucherman, et al.

SC/Serial No.: 08/958,281

Filed: October 27, 1997

Title: SPINE DISTRACTION IMPLANT AND METHOD

PATENT APPLICATION

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8
I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on February 27, 1998.

Sheldon B. Meyer, Reg. No. 27,660
Signature Date: February 27, 1998

(Attorney Signature)

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56.

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- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. § 609.
- ☒ A copy of each cited document as required by 37 C.F.R. § 1.98. Copies are not submitted of U.S. applications, 37 C.F.R. § 1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. § 120 is claimed, 37 C.F.R. § 1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. § 1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in § 1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. § 1.98(c).

This statement should be considered because:

X This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within 3 months of the application filing date;
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office action on the merits,
whichever occurs last.

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- (1) It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance (whichever occurs first)

-- AND (check at least one of the following) --

- ___ (1) It is accompanied by the \$230 fee set forth in 37 C.F.R. §1.17(p)
-- OR --
- ___ (2) It is accompanied by a CERTIFICATION as set forth in 37 C.F.R. §1.97(e)

___ Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is accompanied by a CERTIFICATION as set forth in 37 C.F.R. §1.97(e);
-- AND --
- (2) It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d);
-- AND --
- (3) It is accompanied by the \$130 fee set forth in 37 C.F.R. §1.17(i)(1);
-- AND --
- (4) The Issue Fee has not yet been paid.

X ***Fee Authorization.*** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

FLIESLER, DUBB, MEYER & LOVEJOY LLP

Date: February 27, 1998

By: 

Sheldon R. Meyer
Reg. No. 27,660

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): James F. Zucherman, et al.

SC/Serial No.: 09/179,570

Filed: October 27, 1998

Title: SPINE DISTRACTION IMPLANT

) **PATENT APPLICATION**

) Art Unit: 3731



CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on January 26, 1999.

Sheldon R. Meyer, Reg. No. 27,660
Signature Date: January 26, 1999

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

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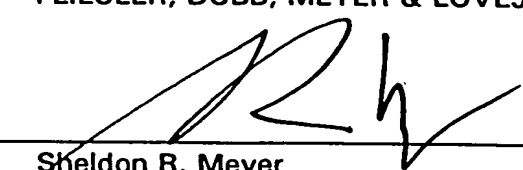
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Sheldon R. Meyer
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application) **PATENT APPLICATION**
Inventor(s): James F. Zucherman, et al.)
SC/Serial No.: 09/179,570) Art Unit: 3731
Filed: October 27, 1998)
Title: SPINE DISTRACTION IMPLANT)

jc525 U.S. PTO
09/473173
12/28/99

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on January 6, 1999.

Sheldon B. Meyer, Reg. No. 27,660
Signature Date: January 6, 1999

(Attorney Signature)

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Assistant Commissioner for Patents
Washington, D.C. 20231

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Inventor(s): James F. Zucherman, et al.)
SC/Serial No.: 09/179,570) Art Unit: 3731
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Title: SPINE DISTRACTION IMPLANT)

3525 U.S. PTO
09/473173



12/28/99

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In re Application

Inventor(s): James F. Zucherman, et al.

SC/Serial No.: 09/179,570

Filed: October 27, 1998

Title: SPINE DISTRACTION IMPLANT

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) Art Unit: 3731

JCS25 U.S. PTO
09/473173



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC525 U.S. PTO

09/473173



In re Application

PATENT APPLICATION

Inventor(s): James F. Zucherman
Ken Y. Hsu
Charles J. Winslow
Henry A. Klyce

SC/Serial No.: 09/179,570

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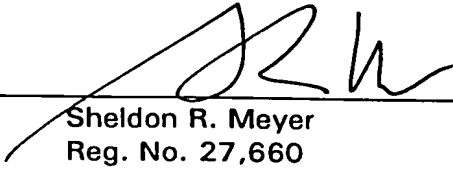
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